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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00775 SBA
14 Plaintiff,) STIPULATION AND ORDER
15 v.) CONTINUING STATUS CONFERENCE
16 JUAN OCTAVIANO LOPEZ,) AND EXCLUDING TIME
aka Juan Octavio Lopez Ortiz,
aka Juan Lopez Gomez,
aka Manuel Vargas, and
18 GLENDY GOMEZ,
aka Glendy Elizabeth Gomez,
19 Defendants.
20 _____)

21 Plaintiff, by and through its attorney of record, and defendants, by and through their
22 counsel of record, hereby stipulate and ask the Court to find as follows:

23 1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday,
May 18, 2010.

24 2. The parties request that this hearing be continued until 9 a.m. on Tuesday, June
25 22, 2010, in order to provide defendants' counsel with additional time to evaluate the evidence in
26 this case and determine whether or not defendant should enter a change of plea or file motions
27
28

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 || and to prepare for trial in this matter.

2 3. Specifically, defendants' counsel needs the continuance in order to review
3 discovery with defendants, investigate the case, and develop a motions and/or trial strategy in
4 light of the discovery. The parties believe that failure to grant the above-requested continuance
5 would deny defendants' counsel and defendant the reasonable time necessary for effective
6 preparation taking into account the exercise of due diligence and that the ends of justice served
7 by continuing the case as requested outweigh the interest of the public and defendant in a trial
8 within the date prescribed by the Speedy Trial Act.

9 4. Thus, the parties respectfully request that the Court find that the time period from
10 May 18, 2010, to June 22, 2010, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv)
11 because it results from a continuance granted by the Court at the defendant's request and on the
12 basis of the Court's finding that the ends of justice served by taking such action outweigh the
13 best interest of the public and the defendant in a speedy trial and because failure to grant the
14 continuance would unreasonably deny defense counsel the time necessary for effective
15 preparation for trial, taking into account due diligence.

16 IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

19 || Dated: May 12, 2010

/s/
GARTH HIRE
Assistant United States Attorney

Attorney for United States of America

22 || Dated: May 12, 2010

/s/
GILBERT EISENBERG

Attorney for Defendant
Juan Octaviano Lopez

26 || Dated: May 12, 2010

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled May 18, 2010, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on June 22, 2010.

2. The time period from May 18, 2010, to June 22, 2010, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 5/13/10

**HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE**